Deficiency Progress Report – Update 1

Report Submitted: July 30, 2010

CUPA: Los Angeles County Fire Department

Evaluation Date: March 22 – 25, 2010

Evaluation Team:

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Corrected Deficiencies:

Next Progress Report (Update 1) Due: July 30, 2010

- 1. Deficiency: In some cases, the CUPA is not following-up and/or documenting return to compliance (RTC) for businesses cited for violations in Notices to Comply and inspection reports/Notices of Violation (NOV). Below are some businesses that were cited for violations, but documentation of RTC or CUPA follow-up was not found:
 - MV Transportation (El Monte) inspected 5-29-09. No sufficient RTC documentation.
 - Lakewood Regional Medical Center (Pico Rivera) inspected 3-23-06. Facility documentation shows partial correction of violations.
 - Koeun Printing (Pico Rivera) inspected 5-28-08. A reinspection was noted in the activity log; however, no documentation of RTC was found.
 - Imperial Conveyor and Engineering Co. (Pico Rivera) inspected 1-17-06. No sufficient RTC documentation.
 - Safe Plating (Pico Rivera) inspected on 5-31-05. No sufficient RTC documentation.
 - Brothers Plating (El Monte) inspected on 9-5-07. No sufficient RTC documentation.
 - Euro Classic Body Shop (El Monte) inspected on 9-2-09. No sufficient RTC documentation.
 - So Cal Edison –Refuse (Commerce) inspected on 1-22-10. No sufficient RTC documentation.
 - All Fast Fastening Systems (Pico Rivera) inspected on 8-4-06. No sufficient RTC documentation.

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Preliminary Corrective Actions: By June 25, 2010, the CUPA will document follow-up actions and RTC using RTC certifications for minor violations, reinspection reports, enforcement letters, corrected forms, etc.

On the 1st progress report, the CUPA will submit to Cal/EPA an action plan stating how it will document follow-up actions and RTC on a more consistent basis.

CUPA's 1st Update (7-30-10): On April 29, 2010, training on the following topics was presented to all CUPA inspection staff: violation classification; violation tracking; documentation of inspection, follow-up, and enforcement activities. The training emphasized the need for consistent and thorough documentation when completing inspection related activities.

Cal/EPA's 1st response:

2. Deficiency: In some cases, the CUPA is not collecting, retaining, and managing violation classification information in their Envision Connect database or in hardcopy format. Violations cited in inspection reports have not been consistently recorded in Envision. In some cases, businesses with multiple types of violations (Class 1, class 2, and minor) are recorded in Envision as only having one type of violation. For example, a business may have been cited for 2 Class 1 violations and 4 minor violations during an inspection, but the Envision record would only show that the business had been cited for Class 1 violations.

The correct recording of violation information in the CUPA's data management system is important for accurate CUPA-to-State reporting in the Annual Summary Reports.

Preliminary Corrective Actions: By June 25, 2010, CUPA management along with its Participating Agencies and Satellite Offices staff will review the proper procedures for collecting and managing violation classification information in Envision Connect. CUPA staff should record in Envision Connect all violation types cited at a business.

On the CUPA's 1st progress report, the CUPA will update Cal/EPA on the progress of their violation information management.

CUPA's 1st Update (7-30-10): Historically, the CUPA has only tracked the highest violation class cited per program element. As a result of changes to the enforcement reporting requirements for the annual State reports, the CUPA recognized the need to retrain CUPA and PA staff to collect all required violation classes. As noted above, a training class for all inspection staff was conducted on April 29, 2010 that included violation classification and the proper tracking and recording of all the violation classes in Envision. During the quarterly CUPA/PA meeting, the Participating Agencies were also trained on the Inspection and Enforcement Plan, violation classification, and State Reporting requirements.

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Cal/EPA's 1st response:

3. Deficiency: The CUPA has not performed a 5-year Risk Management Plan (RMP) update review on a substantial number of RMPs. Due to the large number of RMPs that came up for review in 2009, and the lack of staff, there is about a 3-year backlog of RMPs that are awaiting deficiency determinations.

In general, the CUPA is doing an outstanding job of administering the CalARP Program.

Preliminary Corrective Actions: By June 25, 2010, the CUPA will provide along with the 1st progress report the total number of RMPs that have been reviewed for deficiencies. Also, state how many RMPs have been deemed complete and will proceed to formal review.

CUPA's 1st Update (7-30-10): The CUPA currently has 126 RMPs awaiting technical review. During the past four months, 12 completeness reviews have been conducted and are now in the process of technical review. The CUPA has developed a 3 year plan to eliminate the backlog in the review process of RMPs. An annual goal of 36 completeness reviews and 36 technical reviews has been set. The CUPA will closely monitor the effectiveness of this plan to ensure the backlog is eliminated.

Cal/EPA's 1st response:

4. Deficiency: The CUPA's Underground Storage Tank (UST) files are not complete. The UST Participating Agency (PA) file review for Burbank Fire Department and Torrance Fire Department indicates that files are missing inspection reports, plot plans, response plans, secondary containment inspections, financial responsibility, etc to verify compliance.

Preliminary Corrective Actions: Immediately, the CUPA/PAs will start to collect and retain compliance documents for their prescribed time frames.

By September 25, 2010, the CUPA/PAs will report to Cal/EPA and the SWRCB the progress made towards collecting the required data.

CUPA's 1st Update (7-30-10): On July 22, 2010, Burbank Fire sent registered letters with all the State required UST forms to their 67 UST sites, requiring them to submit the completed forms within 30 days. Burbank will follow-up with the facilities that fail to comply.

Torrance Fire has revised its inspection report and process and will maintain inspections reports, UST plans, response/contingency plans and monitoring plans in

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their files. They will document on their inspection report that they reviewed and verified the adequacy of all required UST forms and plans. The other UST forms not specified above will be maintained at the facility and reviewed during the annual inspection for compliance (see attachment No. 1).

Cal/EPA's 1st response:

5. Deficiency: The CUPA is not collecting all of the UST forms data that came into effect in December 2007. All UST forms data must be collected in order to complete permit renewals.

The file review indicated that the Burbank and Torrance PA's Unified Program Consolidated Forms (UPCF) are either outdated or missing.

Preliminary Corrective Actions: Immediately, the CUPA/PAs will start to collect all UST forms data.

By June 25, 2010, the CUPA will submit three sets of submitted and completed UST UPCFs A, B, and D from the Burbank and Torrance PAs.

CUPA's 1st Update (7-30-10): Burbank and Torrance Fire have submitted three sets of the UST forms currently in use (<u>see attachment No. 1</u>).

Cal/EPA's 1st response:

6. Deficiency: The CUPA is not approving the submitted UST monitoring and response plans.

The file review indicated that the Burbank and Torrance PAs are not signing the approval/disapproval section, which would indicate that the plans have been reviewed for completeness and accuracy.

Preliminary Corrective Actions: By September 30, 2010, the CUPA/PAs will report to Cal/EPA and SWRCB the total number of approved monitoring and response plans.

CUPA's 1st Update (7-30-10): Burbank Fire is currently approving their monitoring plans (see attachment No. 1).

Torrance Fire will now maintain the monitoring plan in their files. If the plan is not adequate the facility will be cited for corrective action.

Cal/EPA's 1st response:

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7. Deficiency: The CUPA is not leaving a UST compliance report with the UST permit holder.

Just recently, Burbank PA began leaving compliance reports with the permit holders. A UST compliance report indicates whether a facility is compliant after the annual inspection.

Preliminary Corrective Actions: Immediately, the CUPA/PAs will issue compliance reports to all inspected UST facilities.

By September 30, 2010, the Burbank PA will submit to Cal/EPA three recent UST compliance reports.

CUPA's 1st Update (7-30-10): Burbank Fire and Torrance Fire issue inspection reports during UST inspections (<u>see attachment No. 2</u>).

During the quarterly PA meetings, the CUPA has informed PAs of the need to leave a compliance report with the permit holder at the end of every inspection. The CUPA also provided copies of its Inspection and Enforcement Plan to ensure consistency and uniformity in the implementation of the Unified Program.

Cal/EPA's 1st response:

8. Deficiency: The CUPA has not met the mandated inspection frequency for the UST program during the last three fiscal years (FY).

Burbank PA's records indicate that its inspection frequency for the last three FY was:

- FY 06/07, the CUPA inspected 58% of their regulated UST facilities;
- FY 07/08, the CUPA inspected 67% of their regulated UST facilities;
- FY 08/09, the CUPA inspected 93% of their regulated UST facilities.

These numbers differ from what was reported to the CUPA which were:

- FY 06/07, the CUPA inspected 0% of their regulated UST facilities;
- FY 07/08, the CUPA inspected 15% of their regulated UST facilities;
- FY 08/09, the CUPA inspected 31% of their regulated UST facilities.

Preliminary Corrective Actions: By June 30, 2010, and each subsequent year, the CUPA/PAs will inspect every UST facility within its jurisdiction at least once every year.

By September 30, 2010, the CUPA will report to Cal/EPA and SWRCB the number of inspections conducted by the Burbank PA for FY 09/10.

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CUPA's 1st Update (7-30-10): Burbank Fire submitted its corrective action on this matter in a letter dated May 13, 2010, asserting that all but one of their UST facilities is in compliance with the annual inspection frequency requirement. A printed schedule indicating the status of the UST inspections was also submitted to corroborate their corrective action (see attachment No. 3).

Cal/EPA's 1st response:

- **9. Deficiency:** The CUPA is not meeting its scheduled inspection frequency for the Resource Conservation and Recovery Act (RCRA) large quantity generators (LQGs) or the mandated frequency for the Tiered permitting (TP) program. The CUPA has inspected less than third of its RCRA LQGs and tiered permit facilities.
 - The CUPA identified this deficiency in its 2007/08 and 2008/2009 action plans for areas of deficiency under the headings "The Inspection Section did not meet the inspection frequency for LQG-RCRA" and TP program "Low Inspection frequency for RCRA-LQG and TP program" respectively.
 - A review of files showed that of the 30 generator files reviewed, 9 had not been inspected in the past three (3), and of the 15 Tiered Permitting files reviewed, 5 had not been inspected in the past three (3) years.
 - A list of 28 LQGs and or TP facilities provided by the LA County for DTSC's selection of the oversight inspection indicated that all of the facilities had not been inspected over four (4) years. Out of the same list, one (1) facility was inspected seven (7) years ago, six (6) were inspected six (6) years ago, and eight (8) facilities were inspected five (5) years ago.

Preliminary Corrective Actions: By March 25, 2011, the CUPA will ensure that all RCRA LQGs and TP sites that have not been inspected in the past three years are inspected.

Please submit a progress report update every 90 days to Cal/EPA on the number of RCRA LQG and TP facilities inspected.

CUPA's 1st **Update (7-30-10):** The numbers of inspections for RCRA-LQG and TP facilities are provided below:

FISCAL	RCRA	RCRA	Percent	TP	TP	Percent
YEAR	Facilities	Inspected	Inspected	Facilities	Inspected	Inspected
2009-10	351	104	30%	470	134	29%
2008-09		93	27%		141	30%
2007-08		75	21%		152	32%

The CUPA has implemented a plan to ensure that TP and RCRA-LQG facilities that have not been inspected for more than 3 years are given priority.

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For RCRA-LQG facilities, 79 more inspections are required to meet our scheduled frequency. To achieve this, our goal is to conduct 157 inspections per year for two years. The number of RCRA-LQG inspections for fiscal year 2009 -2010 clearly indicates that there has been an improvement in the number facilities inspected as compared to the previous two years.

For TP Facilities, 43 inspections are required to meet our scheduled frequency. To achieve this, our goal is to conduct 179 inspections per year for two years.

Cal/EPA's 1st response:

- 10. Deficiency: Although the CUPA has settled a number of Administrative Enforcement Orders (AEOs) involving HWG violations, there have been some cases where the CUPA has failed to take appropriate enforcement actions. The following are some instances observed by DTSC where the CUPA failed take appropriate enforcement actions:
 - Brothers Plating (El Monte) inspected on 8-5-07. Documentation indicates illegal disposal of Nickel filters in trash. The sample analysis of nickel filters lists the following: 123,280 mg/kg of nickel and 2,964 mg/kg of copper those are above the regulatory threshold limits of 2,000 mg/kg and 2,500 mg/kg for nickel and copper respectively. Illegal disposal of hazardous waste is a non-minor violation that is subject to enforcement, but no enforcement action was initiated.
 - All Fast Fastening Systems (Pico Rivera) inspected on 8-4-06.
 Documentation indicates illegal disposal of bead dust containing metals (RCRA wastes) to trash and storage of incompatible wastes (oxidizers and reducers) stored next to each other. Illegal disposal of RCRA wastes and storage of incompatible wastes are non-minor violations that are subject to enforcement. Proposition 65 notification was made for the illegal disposal but no enforcement action was initiated.
 - A2Z Plating Co. (Commerce) inspected on 5-9-07. The inspection report cited "wet floor" as minor violation. The "wet floor" is an unauthorized storage of hazardous waste and is a non-minor violation that is subject to enforcement, but no enforcement action was initiated.

Preliminary Corrective Actions: By July 30, 2010, the CUPA will develop a plan to ensure that appropriate enforcement actions are taken.

Along with the CUPA's 1st progress report, the CUPA will submit the plan to Cal/EPA.

CUPA's 1st Update (7-30-10): As noted in Deficiency 1, enforcement training was presented to staff on 4/29/10 to ensure appropriate enforcement actions are taken.

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- Brothers Plating was inspected on June 22, 2010. The violations that were documented on 8/5/07 were already corrected and the waste was legally disposed as per requirement. No violations were observed.
- Allfast Fastening Systems was inspected on June 8, 2010. The violations documented on 8/4/06 were no longer observed. However, A Notice of Violation (NOV) was issued for a new significant TP violation. An administrative enforcement action (AEO) has been initiated.
- A2Z Plating was inspected on June 6, 2010. Violations cited in the inspection report from 5/9/07 were again observed during the new inspection. A NOV was issued and an AEO has been initiated.

Cal/EPA's 1st response:

- 11. Deficiency: The CUPA has not fully developed and implemented the permit by rule (PBR) portion of the hazardous waste tiered permitting (TP) program for facilities treating aqueous waste containing cyanide wastes. The cyanide regulations for the treatment of aqueous waste containing cyanide became effective in California on August 4, 2008. DTSC conducted training for Los Angeles County CUPA on September 18, 2008. The following are instances observed by DTSC where the TP program was not implemented:
 - Stabile Plating (El Monte) inspected on 4-29-09. No PBR for cyanide was in the file and no inspection was conducted.
 - Safe Plating (Pico Rivera) inspected on 3-23-05. No PBR for cyanide was in the file and no inspection was conducted until an oversight inspection on 3-16/17-10.
 - Hermetic Seal Corp. (Commerce) inspected on 4-29-09. No PBR notification for the treatment of cyanide in the file.
 - A2Z Plating Co (Commerce) inspected on 5-9-07. No PBR notification for the treatment of cyanide in the file.

Preliminary Corrective Actions: By June 25, 2010, the CUPA will start implementing its TP program for cyanide treatment facilities. The CUPA will follow up with its facilities that treat aqueous waste containing cyanide treatment facilities and provide an update along with the 1st progress report.

CUPA's 1st Update (7-30-10): When DTSC delegated the regulation of facilities treating aqueous cyanide waste to the CUPA, Cyanide reporting information was sent to all sites referred from DTSC (see attachment No. 4). The facilities that did not comply were referred to the appropriate inspection district for follow-up.

Follow-up on facilities noted in evaluation:

• <u>Stabile Plating</u> was inspected on March 25, 2010. During the inspection, it was observed that aqueous waste containing cyanide was no longer being treated in the process.

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- <u>Safe Plating</u> was inspected on March 17, 2010. A NOV was issued to discontinue the treatment of aqueous waste containing cyanide until PBR requirements for the treatment are met. An AEO is being initiated.
- Hermetic Seal Corporation had submitted the proper documentation but there were two files mistakenly made for this facility. The file reviewed during the evaluation did not contain the PBR notification for the treatment of aqueous waste containing cyanide, but it was subsequently located in the second file. The PBR Notification was received and dated 6/12/2009 and was reviewed on 6/29/2009. The inspector responsible for this facility consolidated the files on June 14, 2010 to ensure all of the necessary documents were present.
- <u>A2Z Plating</u> was inspected on June 6, 2010 and no PBR notification was on file. NOV was issued to discontinue the treatment of aqueous waste containing cyanide until PBR requirements for the treatment are met. An AEO is being initiated.

Cal/EPA's 1st response:

- **12. Deficiency:** Based on a review of files and interviews with staff, the CUPA did not demonstrate proficiency in the identification of hazardous waste violations for permanent household hazardous waste facilities (PHHWCFs), temporary household hazardous waste facilities (THHWCFs), Schools Hazardous Waste Collection Consolidation and Accumulation Facilities (SHWCCAF), and laboratory requirements. Below are some businesses that were incorrectly cited or not cited:
 - Vacco Industries (El Monte) inspected on 5-23-05.
 - PHHWCF (El Monte) inspected on 1-17-09.
 - Azusa Pacific University (El Monte) inspected on 11-2-06.

Preliminary Corrective Actions: By June 25, 2010, the CUPA will provide hazardous waste generator trainings for the following topics: HHWCFs, laboratory requirements, and the identification and citation of hazardous waste violations.

Along with the 1st progress report, submit to Cal/EPA the status of the trainings provided to the staff.

CUPA's 1st Update (7-30-10): The CUPA has provided all staff with information regarding PHHWCFs, THHWCFs, SHWCCAFs, and laboratory requirements. On July 13, 2010, an in-house training was conducted in the East District Inspection Section (El Monte) office to review policies, files, and regulations for PHHWCFs, THHWCFs, SHWCCAFs, and laboratory requirements.

13. Deficiency: CUPA was not able to demonstrate that complaints that were referred by DTSC have been investigated. The staff handling complaints tracking had changed over a year ago. Written procedures were not available which are unique to

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complaints. 27 out of 39 files requested for complaints were not found in the CUPA's database. Here are some of the complaints (by #) that were not found:

- 08-0508-0348
- 08-0508-0390
- 08-0408-0237
- 08-0908-0656

Preliminary Corrective Actions: Please provide the DTSC complaint coordinator with the email addresses of the CUPA staff responsible for receiving complaint notifications. The DTSC complaint coordinator's email is CRosana@dtsc.ca.gov . Please notify the complaint coordinator of the disposition

CUPA's 1st Update (7-30-10): The CUPA has assigned Dan Zenarosa, a Hazardous Materials Specialist from the Technical Services Unit, to receive, document, and handle all complaints referred from DTSC. His name and e-mail address (dzenarosa@fire.lacounty.gov) has been sent to DTSC as the CUPA's point of contact. Since March 4, 2010, 30 DTSC complaints have been referred to the CUPA: 22 have been addressed by the CUPA and 6 were referred to other County agencies.

Cal/EPA's 1st response: